

DECLARATION CLAIMING SMALL ENTITY STATUSFOR A SMALL BUSINESS CONCERN

I, Tihiro Ohkawa, hereby declare: that I am President of Toyo Technologies Inc., a corporation of the State of California and having a principal place of business at 9515 La Jolla Farms Road, La Jolla, California 92037; that I am empowered to act on behalf of Toyo Technologies Inc.; and that Toyo Technologies Inc. qualifies as a small business concern as defined in 13 C.F.R. § 121.3-18 and 37 C.F.R. § 1.9(d), for purposes of paying reduced fees to the Patent and Trademark Office under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of Toyo Technologies Inc., including those of its affiliates, does not exceed 500 persons. I understand that, for purposes of this declaration, (1) the number of employees is the average over the preceding twelve months of the number of persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the preceding year, and that (2) two business concerns are considered to be affiliates of each other when one business concern either directly or indirectly controls or has the power to control the other, or when a third party or parties control or have the power to control both business concerns.

I further declare that all rights, title, and interest relating to the invention entitled FERROELECTRIC ELECTRO-OSMOTIC PUMP, invented by Tihiro Ohkawa, as described in the patent application filed concurrently herewith, have been conveyed to and currently remain with Toyo Technologies Inc.

I acknowledge the duty to file, in the above-mentioned application or any patent issued in respect thereof, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of (1) the issue fee or (2) any maintenance fee due after the date on which status as a small entity is no longer appropriate.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Signed at San Diego, California this 8<sup>th</sup> day of December, 2000.

TOYO TECHNOLOGIES INC.

By:

  
Tihiro Ohkawa  
President

smntdecl:ddb  
Docket: 11157.8

DECLARATION, POWER OF ATTORNEY AND PETITION

I, Tihiro Ohkawa, declare: that I am a citizen of the United States of America; that my residence and post office address is 9515 La Jolla Farms Road, La Jolla, California 92037; that I verily believe I am the original, first, and sole inventor of the subject matter of the invention or discovery entitled "FERROELECTRIC ELECTRO-OSMOTIC PUMP," for which a patent is sought and which is described and claimed in the specification attached hereto; that I have reviewed and understand the contents of the above-identified specification, including the claims; and that I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Section 1.56(a) of Title 37 of the Code of Federal Regulations.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

I hereby appoint as my attorney, NEIL K. NYDEGGER, Registration No. 30,202, and MATTHEW K. HILLMAN, Registration No. 45,892 with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and

Trademark Office connected therewith. All correspondence and telephonic communications should be directed to:

Neil K. Nydegger, Esq.  
NYDEGGER & ASSOCIATES  
348 Olive Street  
San Diego, California 92103  
(619) 688-1300

Wherefore, I pray that a letters patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, declaration, power of attorney, and this petition.

Signed at San Diego, California, this 8<sup>th</sup> day of December, 2000.

Inventor



Tihiro Ohkawa  
9515 La Jolla Farms Road  
La Jolla, California 92037

declpoapet:ddb  
Docket: 11157.8

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